

**Remark**

Applicants respectfully request reconsideration of this application as amended. Pursuant to the withdrawal of allowable subject matter, the incorporation of Claim 10 into the independent claims has been reversed. Claims 1, 12, 17, and 24 have been amended. No claims have been cancelled. Therefore, claims 1-29 are present for examination.

**35 U.S.C. §103 Rejection*****Bender in view of Koo***

The Examiner has rejected claims 1, 3, 5-7, 8-9, 14-16, 17-18, 20-21 and 28 under 35 U.S.C. §103 (a) as being unpatentable over Bender, U.S. Patent No. 6,366,779 ("Bender") in view of Koo, U.S. Patent No. 6,804,219 ("Koo"). Bender describes a variety of different messages, states and layers, however, there is very little to describe protocols for opening a stream. Figure 7A is "a flow diagram... of session open phase." This would appear to provide the access terminal with an access terminal identifier, but not allow traffic to be exchanged. Applicants have been unable to determine any use for the access terminal identifier. There is also no suggestion that the two terminal can exchange traffic after the Figure 7A protocol is completed. Figure 7A is followed by a negotiation in Figure 7B and then the Figure 7C protocol. The Figure 7C protocol allows data to be exchanged between the two terminals at step 790.

The Figure 7C protocol uses a step 780 Session-Activate-Request uplink message, followed by a step 784 Session-Activate-Response downlink message, followed by a step 794 Confirmation Message uplink message. Then at step 790 using the negotiated layers and protocols. This would seem to start with downlink traffic even though the activation was initiated on the uplink. Possibly, the network sends idle bits or a confirmation on the downlink until it is time for the access terminal to transmit on the uplink.

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The present invention has significant benefits over the Bender system. As stated in paragraph 0019 of the application, "the stream can be opened within the course of one uplink random access timeslot and the following downlink timeslot within the same frame. Assigning streams quickly allows streams to be closed more frequently without significantly affecting communications speed between the user terminal and the base station and without causing the channel to be used for stream assignment when it could be used for stream data traffic. This allows the total capacity of shared system resources to be increased

The present invention as expressed, for example, in Claim 1 presents a clear contrast to the protocol of Bender. It recites, in part, " sending a request message in an uplink random access slot of a time division multiple access frame to open a communications stream from the user terminal to the base station;" and "receiving a channel assignment message from the base station in a downlink random access slot of the same time division multiple access frame in response to the request message." In Bender, there is no suggestion of such a quick response to a request. In addition, since Bender is a CDMA system, there are no slots of TDMA frames.

Claim 1 further recites, in part, "sending data from the user terminal and receiving data from the base station over the assigned communications channel in the frame following the frame in which the request message was sent." This is probably not possible in Bender because there must be time to send the step 794 confirmation message and because Bender does not use TDMA frames.

Koo was cited against the portion of Claim 1 that came from Claim 10. This portion has been deleted. Accordingly, the obviousness rejection is respectfully traversed.

Independent claims 12, 17, and 24 are believed to be allowable on the same grounds as Claim 1. The remaining claims are dependent and are believed to be allowable also on these grounds as well as for the specific limitations expressly set forth in each claim respectively.

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**35 U.S.C. §103 Rejection*****Bender in view of Koo and Chuang***

The Examiner has rejected claims 2, 4, 11, 13, 19, 22-23, 26, and 29 under 35 U.S.C. §103

(a) as being unpatentable over Bender, and Koo, and in further view of Chuang, U.S. Patent No. 6,052,594 ("Chuang"). Chuang shows another CDMA system and was cited for data buffer/transmission interactions. It does not overcome the deficiencies of Bender and Koo mentioned above and accordingly, this rejection is also respectfully traversed.

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**Conclusion**

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

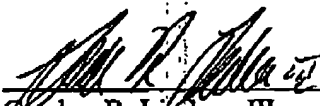
**Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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